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File No. O Village Pol/51

Legal Deptt.

A **BRANCH**

Subject:—

Opinions under the Bombay Village Police Act, 1867

D.O.
(E)

File No. O Village Pol/51

603-A

Gen. 194 e.

C O N T E N T S.

Legal Department File No. O. Village Police/51.

Sr. No.	R.I.No./ O.No.	Subject	Pages.
		Bom. Village Police Act, 1867.	
	8607 1-6-51.	Sec. 5(2) & State Merger (Governor's Provinces) Order, 1949 Cl. 4 -- Appointment of Police Patel in Hathipura, taluka Sant.	1-4

Office of the R.L.A.

Appointment of Police Patel in Hathipura, taluka Sant.

Bombay Village Police Act, 1867 S. 5(2) & State Merger (Governor's Provinces) Order, 1949 Clause 4.

It appears from para 3 of the Mamlatdar's report at page 27 of the file that Shri Valabhai Nanabhai Patel of Hathipura, taluka sant, district Panchmahals, claims to be a hereditary police patel he being remunerated by the assignment of land measuring acres 7 and gunthas 9 assessed at Rs. 46-6-0. The Bombay Hereditary Offices Act has not been applied to the merged State area. Consequently, the law in force in the Sant State previous to its merger relating to the hereditary offices being operative may apply to the present case. (See clause 4 of the States Merger (Governor's Provinces) Order, 1949). However, section 5(2) of the Bombay Village Police Act, 1867, which has been applied to the merged area, provides: "In making the appointment the State Government shall have due regard to the provisions in force for regulating the services of hereditary officers, so far as the same may be applicable; but when the Revenue Patel is not appointed Police-Patel, and more persons than one claim by reasons of the hereditary right to perform the duties, in rotation or otherwise, it shall be lawful for theState Government to appoint the most fit from amongst their numbers." It follows from this provision that it is entirely within the discretion of the State Government to appoint Police-Patel although in so appointing it has to take into account the provisions in force for regulating the services of hereditary officers. Provisions in force for regulating the services of hereditary officers in Sant State though operative after merger, would be no bar

would be no bar to Government in making appointment of Shri Valabhai Nanabhai of Hathipura as Police-Patel of that Village. The order passed by the Ruler of that State before merger would not be binding on Government. That order may be ignored. It is not necessary that the order of the Ruler or Sant should be cancelled. The view taken by the P & S.D. appears to be correct..

Remembrancer of Legal Affairs.

U.R. to R.D. through P.& S.D. No. 8607 Dated the 1st June 1951.

SSM /29/6/56.